IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE ACTING CHIEF JUSTICE
MR.K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

TUESDAY, THE 27TH FEBRUARY 2007 / 8TH PHALGUNA 1928

WA.No. 510 of 2007()

AGAINST THE JUDGEMENT/ORDER IN WPC.32951/2006 Dated 16/01/2007
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APPELLANT: 3RD RESPONDENT

D.VINOD KUMAR, RAJ BHAVAN,
PEROOR P.O., KOTTAYAM DISTRICT.

BY ADV. SRI.T.A.SHAJI
SMT.T.V.NEEMA

RESPONDENTS: PETITIONER & RESPONDENTS 1 & 2 IN THE WP(C)
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1. BABU MATHEW, S/O.T.O.MATHEW,
THATANPARAMBIL HOUSE, PLASSANAL P.O.,
KOTTAYAM DISTRICT.

2. THE KOTTAYAM DISTRICT CO-OPERATIVE
BANK, REPRESENTED BY ITS SECRETARY,
KOTTAYAM DISTRICT CO-OPERATIVE BANK,
KOTTAYAM.

3. THE SPECIAL SALE OFFICER,
KOTTAYAM DISTRICT CO-OPERATIVE BANK, KOTTAYAM.

BY GOVERNMENT PLEADER (CO.OP. SOCIETY)
SMT. ANEETHA.

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 27/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S. RADHAKRISHNAN(AG.C.J.) & M.N. KRISHNAN,J.

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W.A. NO. 510 OF 2007

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Dated this the 27th day of February, 2007.

J U D G M E N T

Radhakrishnan,(Ag.C.J.)

We find no error in the direction of the learned Single Judge to issue a sale certificate in respect of the property of the 3rd respondent. Learned counsel for the appellant, however, submitted that statement of the learned Single Judge in paragraph 2 of the judgment that no proceedings have been initiated by the 3rd respondent to set aside the sale of the property, is not correct. The appellant has already filed application for setting aside the sale before the Special Sale Officer and it is pending consideration. Hence, we are of the view that it is for the Sale Officer to consider that application and pass appropriate orders in accordance with law and this judgment will not stand in the way of Sale Officer passing final orders.

With the above observation, this writ appeal is disposed of.

K.S. RADHAKRISHNAN,
(AG. CHIEF JUSTICE).

M.N. KRISHNAN, JUDGE.

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